

REMARKS

As a preliminary matter, Applicants thank the Examiner for the courtesy shown to Applicants' representative, Josh C. Snider, in the telephone interview conducted on September 26, 2006, between the Examiner and Applicants' representative. The rejection of claims 1-5 and 22 was discussed, and with regard to the cited Kishimoto reference (U.S. 6,721,024), and more particularly with regard to Figs. 1-2 of the reference. Although agreement was not necessarily reached in the interview regarding the patentability of the claims themselves, agreement was reached regarding some of the underlying issues that may still be pending in the case.

Specifically, the Examiner agreed with Applicants' representative that both of the terms "partition" and "enclosed," which appear in independent claims 1 and 21, are not mere equivalents. The Examiner indicated that he interprets the term "enclosed" as being more limiting than the term "partition." The Examiner further expressed that it was possible that he was interpreting Fig. 1 of Kishimoto as being a structural equivalent to FIG. 14B of the present Application, in which case Kishimoto's combination of the partitioning walls 16/26 with the column protrusions 20 would have been considered analogous to the single structure 50 of the present invention, as shown in FIG. 14B. The Examiner did point out that he would have to review his notes on the case further to verify that such was his interpretation, or only interpretation.

In the event that the Examiner did interpret the reference in this way, the Examiner acknowledged that, when seen from the overhead view of Fig. 2 instead of the side

view of Fig. 1, it can be seen that the protrusions 20 do not extend the length of the walls 16/26, and therefore would not “enclose” the domains in the way that the structure 50 in the present Application would. The structure 50 of the present Application is shown to extend between the entire gap between the substrates, as does the combination of Kishimoto’s wall 16/26 and column 20. The present structure 50 though, also bridges this gap over its entire structure, thereby enclosing domains within the partitions, which cannot be accomplished by Kishimoto’s columns 20. The columns 20 do not follow the entire length of the walls 16/26, and only act as spacers at specific, limited points along the walls.

The Examiner did not disagree with these differences between the prior art and the present invention, but the Examiner did request that Applicants file a request for reconsideration that discussed these same issues and differences. The Examiner agreed to reconsider these arguments after having more time to review the case and his notes. The remarks that follow are therefore made in connection with this discussion from the telephone interview.

Claims 1-5 again stand rejected under 35 U.S.C. 102(e) as being anticipated by Kishimoto. Applicants respectfully traverse this rejection for at least the reasons of record, the reasons discussed in the interview, and as follows. Kishimoto does not show any one element, or combination of elements, that both partitions and encloses a domain within each pixel, as in claim 1 of the present invention, as amended.

The Examiner’s remarks in the “Response to Arguments” section of the outstanding Office Action appear to assert that Fig. 1 of Kishimoto illustrates the partitioning

features of Kishimoto's device, while Fig. 2 alternatively illustrates some enclosing features.

By viewing both drawings together, it can be clearly seen that no single element, or even combination of elements, reads on all of these limitations from the present invention. Both drawings together show only a partitioning function, but not that any of the features domains are enclosed.

For example, Fig. 1 of Kishimoto is a side view of the device. Kishimoto describes that the polymer walls 16 function to partition the liquid crystal. (See column 6, line 57). Kishimoto does not describe, however, that these walls 16 enclose the domains as well. At first glance, if considering Fig. 1 of Kishimoto only, the combination of the walls 16 with the column protrusions 20 appears to also "enclose" a domain as well. But Fig. 2 of Kishimoto directly contradicts any such appearance.

As can be seen from the overhead view of the same elements 16 and 20, as best seen in Fig. 2, the column protrusions 20 do not partition or enclose the liquid crystal at all. The protrusions 20 merely act as cell gap spacers, and then only at limited points on the walls 16 that are significantly spaced apart. A simple comparison therefore, between Figs. 1 and 2 of Kishimoto with FIGS. 14A-B of the present Application, for example, illustrates the clear differences between Kishimoto of the present invention. The same structure 50, which partitions the liquid crystal when seen from the overhead view, also functions to enclose a domain within a pixel when both the overhead (FIG. 14A) and side (FIG. 14B) views are considered together. The structure 50 is shown to span the gap for the entire length/width of the partition shown in FIG. 14A, thereby enclosing at least one domain in each display area.

As discussed in the telephone interview, “partitioning” can be performed in only two directions, whereas “enclosing” implies limitations in three dimensions.

The patentability of the present claims is further warranted over Kishimoto when the present claims are interpreted in light of the present Specification. The present Specification clearly defines a difference between the partitioning and the enclosing features of the present invention. These claim terms are not described in the Specification in a way that would contradict their basic definitions from the dictionary, or from what would be understood by one skilled in the art when reading the claims in light of the Specification. Accordingly, for at least these reasons, the rejection of claim 1, as well as its dependent claims, should be withdrawn.

Claims 21-22 also stand rejected under 35 U.S.C. 102(e) as being anticipated by Kishimoto. Applicants respectfully traverse this rejection because Kishimoto does not disclose (or suggest) a structure having the thickness of the liquid crystal layer cell gap, and such a structure that also partitions and encloses a part of the liquid crystal layer, as in independent claim 21 of the present invention, as amended.

As discussed above, Fig. 2 of Kishimoto shows that the protrusions 20 do nothing but act as cell gap spacers, and neither partition nor enclose any part of the liquid crystal layer. Accordingly, these spacers cannot comprise part of the “structure” that both partitions and encloses a part of the liquid crystal layer, since they cannot accomplish either function alone, or in combination with any other disclosed element. The rejection of claim 21 (as well as its dependent claim 22) is therefore traversed for at least these reasons.

Claim 6 again stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kishimoto. Applicants therefore traverse this rejection for at least the reasons of record, those discussed above, and as follows. Claim 6 depends from independent claim 1, and therefore includes all of the features of the base claim, plus additional features.

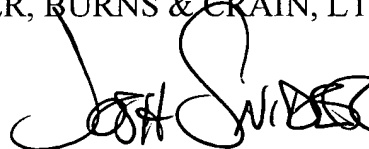
Applicants have amended claim 21 to the present Application. The proposed amendments correct grammatical and/or typographical errors, and place the Application in better form for issuance. As such, the proposed amendments are merely formal in nature, do not introduce new matter, and do not affect the scope of the claims. Accordingly, approval and entry of these amendments is respectfully requested.

For all of the foregoing reasons, Applicants submit that this Application, including claims 1-6 and 21-22, is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

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